

T³: Trustee Training Tips

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Kentucky Department for Libraries & Archives

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THIS CLUB'S FOR YOU

Okay, maybe a professional association is not exactly a club, but it can certainly offer some of the same benefits as one. Did you know that there is an association just for public library board members? Are you a member of the Kentucky Library Trustee Association (KLTA)? Why not?

Why should you join? In addition to reduced registration rates at library conferences and subscriptions to newsletters like *In-fo-cus*, you get the inestimable value of networking with other public library board members—sharing both good news and bad. Good news that you can take back to your home library to emulate; bad news that you can use to avoid making similar mistakes. But perhaps the very best reason to join is to support the association that works to help all our public libraries be better by helping trustees understand their roles in the big library picture.

Public library *trusteeship* is an honor. It means the citizens of your county have put their *trust* in you to spend their tax dollars to provide the best library service those dollars can buy. Everybody wins when you take this job seriously and learn all you can to do it well. True, the Kentucky Department for Libraries & Archives (KDLA) sponsors many continuing education events and produces this training publication, but KTLA offers other opportunities as well. Each year provides two annual conferences, the Kentucky Library Association (KLA) in the fall and PLS/KLTA in the spring, that bring nationally recognized speakers and trainers to Kentucky. As members of KLTA, you receive conference programs in the mail that list all the sessions with brief descriptions of their content. The fall conference (KLA) is for all types of libraries, while the joint conference for the Public Library Section and KLTA focuses entirely on public library issues. For the convenience of trustees who cannot get away for a full three-day conference, topics of particular interest to trustees are all scheduled on the same day—usually either the Thursday or Friday of the conference.

The conference coming up next, however, is KLA in Owensboro, October 17-20. This time, as an experiment, Saturday (20th) is featuring a 3-hour workshop for trustees on advocacy, followed by a luncheon (where you can do that important networking) and a business meeting. Your library may pay your annual membership dues and your expenses to attend conferences. Just let your director know you wish to join and go to whichever conference(s) catch your fancy.

KLTA, a membership organization, is governed by a board made up of one representative from each library region. Do you know your region's representative? Why not? [*Hint: your regional librarian can tell you.*]

LEGAL ISSUES FOR BOARDS

One big surprise for most trustees upon starting their careers as board members is the number of laws and regulations they are expected to follow. To top that off, any Opinion of the Attorney General (OAG) concerning either the Open Records Act (ORA) or the Open Meetings Act (OMA) also has the force of law if not appealed to the appropriate circuit court. Please note that only OAGs on these two areas of concern have that authority; all other opinions are simply opinions. This means opinions handed down on Open Records and Open Meetings must be followed as carefully as any statute. And often the “punishment” for ignoring said opinions is the embarrassment of seeing one’s agency make headlines in local and statewide newspapers.

Helping you find your way through the details of ORA and OMA is yet another way KDLA can help—either through your regional office or from staff at headquarters in Frankfort. Here’s a brief overview of some major points your library, as a government entity, is expected to follow. *[editor’s note: This article was reviewed by the AG’s office.]*

- Each library must adopt rules and regulations about their compliance with ORA and post them—rather like copyright notice. Such a posted notice should include: location of the principal office of the library, which is where the records (minutes, budgets, annual reports, etc.) are kept; hours of operation; fees charged for copies under ORA; and the procedures to be followed in making the request. [200 KAR 1:020, Section 6(2) provides a template for this notice.]
- Fees charged for copies under ORA cannot exceed 10¢ per page.
- The notice must be posted at each location open to the public.

- Each library must name someone as the “custodian” of the library’s records. It is through this person that requests for access to public records must be channeled. Obviously, this custodian must know what is a public record and what is not—example: circulation records are **not** public records. In most smaller libraries the custodian will likely be the library director.

- Minutes may or may not be kept of discussions held in closed session. If such minutes are kept, they are not subject to ORA. As no action can be taken in a closed session and minutes only have to reflect actions taken, it would seem prudent to not take minutes of closed session discussions.

- If the secretary audio-tapes the library’s meetings to use the tape to construct the written minutes, the tapes do not have to be kept *if* the tapes were purchased by the secretary with his/her funds and not made at the library’s direction. *If* the tapes used for this purpose were purchased with library funds, then all such tapes are subject to ORA and the library’s retention schedule.

- Committees, subcommittees, advisory committees, planning committees, etc. are also subject to both ORA and OMA.

- Working documents produced by the above-cited committees are not subject to ORA until they become the group’s final report. To put this in perspective, a planning committee’s grunt work is not subject to Open Records, though its meetings are covered by Open Meetings rules. Once this committee’s work is done and its report sent to the library board, that committee report is subject to public inspection if the library board adopts it as the basis of its final decision.

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- Anyone can attend the library board meetings to observe them and shall not be required to identify himself, nor does she have to be a resident or taxpayer of that county.

- A library board wishing to go into a closed session must state, in a motion made in the public portion of the meeting, that they are going into closed session under KRS 61.810 (1) (?) to discuss (*state reason*). The (?) can be, among other exceptions not likely to be encountered by libraries, either (b) for property sale or purchase; (c) for litigation; or (f) for personnel reasons. But, wait, there's more. The motion, which must be seconded and voted on, not only has to cite the statute down to the (b) or (c) or (f), but go on to state briefly what will be discussed. For example, if it were KRS 61.810 (1) (f), a motion maker would also have to say whether it's to discuss the appointment or the discipline or the dismissal of an individual employee. This employee does not have to be named. Simply stating that you are going to discuss personnel is not legal.

- Going into closed session to discuss litigation (c) does not require the board's attorney to be present.

- Going into closed session to discuss personnel (f), while probably the most common reason in public libraries, is fraught with peril. Some of the most common reasons given, all of which are **not** legal reasons, are: salary; new position created; resignation of employee; re-negotiating a contract. Even though it may cause embarrassment, all of these must be discussed in open session.

- Everything said in an open meeting must be said loud enough for all to hear. Whispering among the board members is not allowed. (Remember *The Courier-Journal* headline about the magistrates in a fiscal court meeting doing just that earlier this summer?)

- One meeting, held in two or more locations, where individuals can see and hear each other by means of video and audio equipment is legal; telephone meetings or votes are not.

- While there is a provision for an Emergency Meeting, in which the library would not have 24 hours to post notice, the AG's office has "yet to see a valid reason to call an emergency meeting." Use this excuse very carefully. The only reasons the AG's office could think of as valid examples were natural disaster or civil unrest.

- For special called meetings, the notice (including an agenda) must be posted 24-hours in advance and must be delivered in writing to each and every trustee and to whatever media has asked for it. Faxing is permitted. The notice, with agenda, must be posted where the meeting will take place and at the main library.

- The agenda for the special called meeting cannot simply list "old business" or "new business" but must list the topics to be discussed. If the library is in the habit of listing "other" as part of its agenda, that cannot be part of the special called meeting agenda. This agenda must identify everything that will be discussed in the meeting and nothing can be discussed that was not listed.

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Serving Kentucky's Need to Know



LIBRARY LETTERS

*Dear Marian Librarian,
I was a new trustee last December and surprised that the board gave Christmas bonuses to library staff, but didn't say anything. This year I feel more confident questioning it. Am I right to think this is not right?*

-- Troubled Trustee

Dear Troubled,

There are actually two concerns in your question, but the problem with a government agency violating the separation of church and state with a *Christmas* bonus, is moot in the face of the bigger issue of bonuses to government workers. Such bonus payments are prohibited by section 3 of the Kentucky Constitution and the Attorney General and the courts have consistently held that blanket bonus payments are illegal. Payments for meritorious service are permissible.

HOW MUCH DO YOU KNOW?

The following quiz will let you test your knowledge on the topics covered in this publication. The answers are under "Publications" on KDLA's web page <www.kdla.net>.

1. What is one good reason for board members to join the Kentucky Library Trustee Association?
2. Do we need to keep minutes of our closed sessions?
3. What is the correct procedure for a board to use to go into closed session?
4. I know we have to post the agenda for a special called meeting, but how detailed must that agenda be?
5. Can the board give cash Christmas gifts to our staff as long as we withhold taxes, retirement, etc?

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**ADDRESS CORRECTION REQUESTED
PLEASE FORWARD**